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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 CHAUNCEY KALLSTROM and
9 BRIDGETTE HENNESSEY,

10 Plaintiffs,

11 v.

12 SALVATION ARMY, et al.,

13 Defendants.

14 CASE NO. C18-5477 BHS

15 ORDER DISMISSING
16 PLAINTIFFS' COMPLAINT,
17 GRANTING PLAINTIFFS LEAVE
18 TO AMEND, AND RENOTING
19 PLAINTIFFS' MOTIONS TO
20 PROCEED *IN FORMA PAUPERIS*

21 This matter comes before the Court on Plaintiffs Chauncey Kallstrom and
22 Bridgette Hennessey's ("Plaintiffs") motions to proceed *in forma pauperis* (Dkts. 1, 2).

23 On June 13, 2018, Plaintiffs filed the instant motions and a proposed complaint.
24 *Id.*; Dkt. 3. In the proposed complaint, Plaintiffs failed to indicate the basis for the
25 Court's jurisdiction. *See id.* at 4–6. Plaintiffs claim that their liberty was restrained when
26 employees of Defendant Salvation Army ordered them to permanently exit its facility.

27 *Id.* at 9–10, 21.

28 As the form complaint indicates, to invoke this Court's jurisdiction for a civil
29 rights violation, Plaintiffs must identify either a state or local official acting under color

1 of law or a federal official that personally participated in the alleged violation of their
2 constitutional rights. 42 U.S.C. § 1983; *Bivens v. Six Unknown Named Agents of Fed.*
3 *Bureau of Narcotics*, 403 U.S. 388 (1971). Plaintiffs have failed to identify any state,
4 local, or federal official that personally participated in the alleged deprivation of their
5 civil rights. Plaintiffs assert their claims against the Salvation Army and one of its
6 employees and fail to show that these defendants are in any way connected to a
7 government entity. Therefore, the Court dismisses the complaint for lack of jurisdiction.

8 The Court, however, will grant Plaintiffs leave to amend. “[A] district court’s
9 denial of leave to proceed *in forma pauperis* is an abuse of discretion unless the district
10 court first provides a plaintiff leave to amend the complaint or finds that amendment
11 would be futile.” *Scott v. Hayes*, 703 Fed. Appx. 628 (9th Cir. 2017) (quoting *Rodriguez*
12 *v. Steck*, 795 F.3d 1187, 1188 (9th Cir. 2015)). Therefore, Plaintiffs must file an
13 amended complaint consistent with this order no later than July 20, 2018. Failure to file
14 an amended complaint or otherwise respond will result in dismissal of the case. The
15 Clerk shall renote the motions to proceed *in forma pauperis* for consideration on the
16 Court’s July 20, 2018 calendar.

17 **IT IS SO ORDERED.**

18 Dated this 19th day of June, 2018.

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BENJAMIN H. SETTLE
United States District Judge